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Security Council

Sixty-fifth year

Provisional

6442nd meeting

Friday, 10 December 2010, 10.30 a.m.
New York

President:	Ms. Rice	(United States of America)
Members:	Austria	Mr. Mayr-Harting
	Bosnia and Herzegovina	Mr. Vukašinovic
	Brazil	Mrs. Viotti
	China	Mr. Wang Min
	France	Mr. Briens
	Gabon	Mr. Moungara Moussotsi
	Japan	Mr. Nishida
	Lebanon	Mr. Salam
	Mexico	Mr. Puente
	Nigeria	Mr. Onemola
	Russian Federation	Mr. Dolgov
	Turkey	Mr. Çorman
	Uganda	Mr. Rugunda
	United Kingdom of Great Britain and Northern Ireland	Sir Mark Lyall Grant

Agenda

Non-proliferation

Briefing by the Chair of the Security Council Committee established pursuant to resolution 1737 (2006)

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The meeting was called to order at 10.50 a.m.

Adoption of the agenda

The agenda was adopted.

Non-proliferation

Briefing by the Chairman of the Security Council Committee established pursuant to resolution 1737 (2006)

The President: At this meeting, the Security Council will hear a briefing by Ambassador Tsuneo Nishida, Permanent Representative of Japan, in his capacity as Chair of the Security Council Committee established pursuant to resolution 1737 (2006).

I now give the floor to Ambassador Nishida.

Mr. Nishida (Japan): I would like to deliver to the Security Council the sixteenth 90-day report of the Committee established pursuant to resolution 1737 (2006), in accordance with paragraph 18 (h) of resolution 1737 (2006). The report covers the period from 16 September to 7 December 2010, during which time the Committee held no meetings but conducted its work using the silent procedure.

I would like to begin by noting that, on 2 November 2010, in consultation with the Committee, the Secretary-General appointed the Panel of Experts established under paragraph 29 of resolution 1929 (2010). The Committee welcomes this development and is scheduled to hold informal consultations with the members of the Panel today.

During the reporting period, the Committee received communications from two Member States, which reported two separate incidents of violations of paragraph 5 of resolution 1747 (2007), which imposes a ban on the export and procurement of all arms and related materiel from the Islamic Republic of Iran. In the first case, a Member State informed the Committee that, at one of its wharfs, its security authority had inspected and seized 13 shipping containers of illegal arms, reportedly originating from Iran, and that a comprehensive report on the results of its investigations would be forthcoming. The Committee responded, inter alia, by recommending that the Member State retain and store the seized containers until the Committee had concluded its consideration of the matter and encouraged the Member State to invite the Panel of Experts, as appropriate, to visit and inspect the seized containers.

In the second case, a Member State informed the Committee that, at one of its harbours, its customs and border authorities had inspected and seized a container onboard the vessel *MS Finland*, originating from Iran and destined for the Syrian Arab Republic, which contained a high-potential explosive known as T4 or RDX. Further investigations were being carried out by the Member State. As in the first case, the Committee dispatched a response with appropriate guidance to this State. It is a matter of grave concern that the apparent pattern of sanctions violations involving prohibited arms transfers from Iran, first highlighted publicly by the Committee a year ago, is continuing.

In accordance with its work programme, on 1 November the Committee approved a hand-out describing implementation by States of resolutions 1737 (2006), 1747 (2007), 1803 (2008) and 1929 (2010), and on 15 November, a fact sheet explaining the respective roles of the Committee and the Panel of Experts in investigating and responding to reported sanctions violations. It is hoped that these two documents, which were subsequently dispatched to all Member States under cover of a note verbale and are also available on the Committee's website, will assist Member States in meeting their responsibilities.

The Committee considered and approved a request submitted by a Member State for an exception to the assets freeze, to the benefit of a listed entity, under subparagraph 13 (b) of resolution 1737 (2006). In addition, the Committee received three notifications from two Member States in connection with the receipt and/or unfreezing of funds in order to make payments due under contracts entered into prior to the listing of two entities, pursuant to paragraph 15 of the same resolution. The Committee also responded to two written queries on the assets freeze measure and on an entity designated as subject to this measure.

Finally, the Committee is aware of a de-listing request, submitted through the focal point process outlined in the annex to resolution 1730 (2006), concerning another listed entity and will be addressing this request in accordance with the same resolution.

Allow me to conclude by noting the important work that lies ahead of the Committee, including the consideration of the forthcoming interim report of the Panel of Experts as well as the conduct of a

comprehensive review of the implementation reports submitted by Member States under the four resolutions. Thus far, the Committee has received 92 reports under resolution 1737 (2006), 79 reports under resolution 1747 (2007), 68 reports under resolution 1803 (2008), and 45 reports under resolution 1929 (2010).

Since this is the last 90-day report I shall deliver to the Council in my capacity as Chairman of the Committee, on my behalf and on behalf of my predecessor, Ambassador Takasu, I thank the members of the Committee for their cooperation.

Finally, I would like to take this opportunity to share my personal observations on the activities of the 1737 Committee during Japan's term in the Security Council, since my mandate will come to end as of 31 December.

The most important event over the past two years concerning the 1737 Committee was the adoption of resolution 1929 (2010). Pursuant to this resolution, the Panel of Experts was established, and its activities have begun very recently. As the role of the Panel is to assist the work of the Committee from an independent point of view, ensuring an appropriate environment for the Panel will serve in the best and long-term interests of the Committee. The Committee and the Panel will also need to jointly implement the programme of work that was adopted on 23 July. As such, the Committee and the Panel of Experts should work in a coordinated fashion.

It cannot be overemphasized that the most important work of the Committee is to ensure the full implementation of the relevant Security Council resolutions. This can be done only as long as all Member States are fully informed of the work of the Committee and the Panel, as well as their respective roles in fulfilling the obligations of these resolutions. Against that backdrop, I have stressed the importance of ensuring transparency and sharing information with Member States. We can now find on the website of the 1737 Committee such relevant documents as the fact sheet, which explains the respective roles of the Committee and the Panel, as well as the hand-out describing the obligations of Member States under relevant resolutions. I hope that Member States have found such early dissemination of information helpful.

A number of Member States reported promptly upon identifying violation cases under their jurisdiction. These actions demonstrate their strong commitment to carrying out their responsibilities under the resolutions. As Chair, I have tried to respond to their sincerity by expeditiously issuing acknowledgement letters so as to express the strong interest of the Committee in cooperating with their investigations. Speedy and reliable communication between the Committee and reporting States constitutes a crucial element of fulfilling the mandate of the resolutions. In future cases, the Committee should establish a means for the Committee and the Panel to share information with relevant parties in those cases and to closely coordinate with them.

National implementation reports submitted by Member States provide factual foundations for the Committee to understand the situation surrounding the implementation of the resolutions. It is therefore quite unfortunate that the number of submissions remains quite low. I would like to take this opportunity to remind and request the Member States to submit the reports required under all relevant resolutions.

In other Committees, I understand that analysis of submitted implementation reports have helped them to better understand approaches taken by Member States in carrying out their obligations, and also to identify challenges and difficulties Member States are faced with. It is therefore important and necessary for the Committee, with the assistance of the Panel of Experts, to analyse the content of reports. In doing so, the Committee can provide better guidance to the Member States in submitting their reports and additional information, and also in identifying any vulnerabilities in fulfilling obligations under the resolutions.

Last but not least, I would like to emphasize that the strong support of Member States is of critical importance to the Committee in carrying out its work. I have benefited greatly from the cooperation extended by many Member States. More can be done by the Committee, in my view, to gain even stronger support from Member States. One effective tool that the Committee can use in the future is to hold regular briefings to the Member States. This can be complemented by the active engagement of the Panel of Experts in outreach activities. The Panel can also support the work of the Committee and its Chair by joining open briefings. It is essential for the Committee to actively seek the support of Member States in carrying out its mandate. Such an active role played by the Committee will strengthen not only its visibility but also its legitimacy in the long run.

The President: I thank Mr. Nishida for his briefing.

I now give the floor to the members of the Security Council.

Sir Mark Lyall Grant (United Kingdom): Allow me to lead the chorus that I am sure will come from colleagues in thanking Ambassador Nishida for his final briefing as Chair of the Committee established pursuant to resolution 1737 (2006). As he leaves, the Committee is well equipped to continue to fulfil its important mandate. Its role will be of vital importance as we pursue the dual-track strategy to resolve the Iranian nuclear issue.

For the dual-track strategy to succeed, rigorous implementation by States of the measures contained in resolution 1929 (2010) and the Council's previous resolutions is essential, particularly in view of the two new reported violations that have come to light recently. They are correctly identified in today's report as part of a pattern of violations. The transfers of the goods seized — illegal arms and RDX high explosives — are both flagrant violations of paragraph 5 of resolution 1747 (2007) by Iran. The latter is also a violation of paragraph 8 of resolution 1737 (2006). We encourage the Committee to consider making additional designations to prevent further violations and sanctions evasions.

These violations demonstrate the importance of the 1737 Committee in ensuring implementation both by monitoring implementation and advising States when necessary. They also emphasize the vital role of its newly appointed Panel of Experts. The Panel will have a full agenda investigating reported violations and travelling to various regions to focus on implementation.

We also support the Committee's wider outreach efforts to promote implementation. The recently produced hand-out and fact sheet will be helpful to Member States seeking to implement measures more effectively. In future, and with the Panel's assistance, the Committee might also consider organizing open briefings to the wider United Nations membership, setting out clearly what is expected of Member States.

While many Member States have acted promptly to adjust their laws and procedures, we remind those yet to report to the 1737 Committee on measures taken to do so as soon as possible, as Ambassador Nishida has underlined again today. The Committee should make a renewed push on this matter. More complete reporting would help the Panel of Experts to identify gaps as they prepare their comprehensive survey of implementation.

Today's briefing follows the publication on 24 November of the latest report of the International Atomic Energy Agency (IAEA) on Iran. That report provides a clear benchmark by which to judge Iran's non-compliance with its international obligations.

First, the report states that Iran is not suspending enrichment-related activities or heavy water-related projects as required by Security Council resolutions and as requested by the IAEA Board of Governors. Secondly, it shows that the IAEA still awaits a substantive response from Iran in relation to the announcements that Iran also intends to construct 10 new nuclear enrichment facilities. Thirdly, the report reiterates that there has been no Iranian cooperation with the IAEA on possible military dimensions to their programme since August 2008. Fourthly, the report also indicates that Iran, contrary to Security Council and Board resolutions, is continuing heavy water-related activities and denying the IAEA the access it would like to locations related to heavy water production sites. Finally, the report concludes that "Iran has not provided the necessary cooperation to permit the Agency to confirm that all nuclear material in Iran is in peaceful activities" and that

> "Iran is not implementing the requirements contained in the relevant resolutions of the Board of Governors and the Security Council ... which are essential to building confidence in the exclusively peaceful purpose of Iran's nuclear programme and to resolving outstanding questions".

We are meeting a few days after the talks in Geneva between Baroness Ashton, the E3+3 and Mr. Jalili. This was a welcome step, and the agreement to meet again in Turkey in January is positive, but we are clear that the next talks should include a candid discussion of the many international concerns relating to the Iranian nuclear programme, and that Iran needs to show real progress in addressing these concerns.

We remain determined to resolve these matters through dialogue and diplomacy. We hope that the January meeting will help to achieve that goal.

Mr. Wang Min (China) (*spoke in Chinese*): China thanks Ambassador Nishida for his briefing on the work of the Committee established pursuant to resolution 1737 (2006) over the past 90 days. This will be his last briefing to the Security Council in his capacity as Chair of the Committee. Over the past two years, under the leadership of Ambassador Nishida and his predecessors, the Committee has done much pragmatic and effective work. China wishes to express its appreciation for the work of the Committee and its chairs.

The Panel of Experts established pursuant to resolution 1929 (2010) is currently carrying out its work. We wish to thank the Chair of the Committee, the members of the Committee and the Secretariat for all their efforts. We hope that the Panel of Experts, in accordance with the mandate given by the resolution and under the leadership of the Committee, will carry out its work in a pragmatic and efficient manner and play an important role in assisting the Member States to comprehensively and earnestly carry out the relevant resolutions of the Security Council. During this process, China wishes to provide all necessary support and assistance to the Panel of Experts and will contribute as always to the work of the Committee.

China always supports maintaining the international non-proliferation regime and attaches great importance to and strictly abides by the relevant resolutions of the Security Council. All Member States are required to implement the relevant resolutions of the Security Council comprehensively and earnestly. However, in this process there should be no wilful interpretation or expansion of the scope the sanctions.

China always believes that sanctions are not ends in themselves and cannot fundamentally resolve any issue. The best choice with respect to Iran is to seek peaceful diplomatic negotiations and a peaceful settlement of the nuclear issue. We now have a new opportunity to restart the dialogue on the Iranian nuclear issue and negotiations on the matter. The European Union and six countries have just carried out a positive and useful dialogue in Geneva that enhanced mutual understanding. We hope that the concerned parties can maintain their efforts to seek a solution through diplomatic negotiation and in a cooperative, flexible and pragmatic spirit try to gradually establish mutual confidence, seek common ground and promote progress in the negotiations. China continues to hope that the International Atomic Energy Agency can play a constructive role in helping to find an appropriate solution to the Iranian nuclear issue.

China will continue to work with all parties to seize and make good use of the current opportunity to step up diplomatic efforts and to continue to build momentum for a solution of the Iranian nuclear issue through dialogue and negotiation. We will continue to do our part to find a comprehensive, lasting and appropriate solution of the Iranian nuclear issue.

Mr. Briens (France) (*spoke in French*): I would like first to thank Ambassador Nishida for his quarterly report and for the outstanding work he has done as Chairman of the Committee established pursuant to resolution 1737 (2006). His briefing has reminded us of the reality of the Iranian nuclear dossier. It shows the magnitude and diversity of Iranian practices to evade sanctions.

Serious violations are on the increase. After the *Monchegorsk*, the *Hansa India*, the *Francop* and the neighbouring case of the *ANL Australia*, we now have two new cases of arms violations contravening resolution 1737 (2006) and, most likely, in the case of the RDX explosives, a violation of the embargo on the export of dual-use items under the resolution. A considerable flow of arms and other dangerous material that has again come to light, with confirmed itineraries between the port of Bandar Abbas and Latakia, in particular. New routes have been identified in Africa that are cause for concern. Once again, this is undoubtedly only the tip of the iceberg.

In this regard, I welcome the fact that the Member States concerned have been able to intercept these cargos and to make notification of these cases of violations. These notifications show that Member States are indeed implementing the resolutions. They are evidence that Iran continues to flout its international obligations and to threaten international and regional peace and security. They also show that sanctions have an impact, as Iran has to make use of increasingly complex routes and schemes.

We can only underscore the gravity of this type of smuggling, and in that regard I underscore the concerns expressed by the Chairman of the Committee in his report. These violations pose a threat to our collective security and to regional security in regions that have no need of any such additional threat. They require the greatest vigilance on our part.

As a result, we hope that the Panel of Experts recently appointed by the Secretary-General will investigate these cases of violations in depth, pursuant to its mandate, study Iran's evasive techniques, in particular in the transport sector, and on that basis provide recommendations to the Committee.

I referred earlier to the recent establishment of the Panel of Experts. This is good news, and my country welcomes this. A meeting of the Committee with the experts will be held later today, but as of now I wish to underscore the importance of their work to ensuring the effective implementation of the resolution. It is essential that the Panel be able to study the national implementation reports concerning violations, issue periodic recommendations for improving the sanctions provisions, and develop outreach activities. We encourage all States to cooperate fully with the Panel.

We also welcome the fact that the Committee has continued its awareness-raising activities by its recent adoption of information hand-outs detailing the contents of the resolutions and the respective roles of the Committee and the Panel.

I touched on violations that have been brought to the attention of the Committee and the concerns these have raised. These concerns have been confirmed with regard to the Iranian nuclear programme in the latest report of the Director General of the International Atomic Energy Agency (IAEA) of 23 November. The report underscores that Iran continues to refuse to honour its international obligations and to conform to the demands of the Security Council and the IAEA Board of Governors.

Iran is pursuing its uranium enrichment activities at 3.5 and 20 per cent, as well as its heavy water projects, despite the repeated demands of the international community and, we note, in the absence of any veritable civilian use. Iran refuses to cooperate with the IAEA in order to shed light on the nature and full extent of its activities. In particular, Iran continues to refuse to answer the IAEA's questions regarding the militarization of its nuclear programme. The Director General states in his report that questions concerning these alleged uses remain unanswered.

The measures adopted by the Security Council are not an end in themselves. Their purpose is to convince Iran to negotiate in conformity with the dual approach of the E3+3 partners. The Geneva meeting held on 6 and 7 December was in this regard the outcome of the numerous calls for dialogue and the repeated efforts of Ms. Ashton and the E3+3 partners to resume dialogue with Iran.

However, the meeting would not have taken place without the pressure of the international community, which increased further still with the adoption of resolution 1929 (2010). In Geneva, the E3+3 partners reiterated their common concern about the Iranian nuclear programme described by the IAEA, the expectations of the international community, and Iran's obligations. They also stressed their resolve to find a negotiated solution to the Iranian nuclear crisis.

We now hope that Iran will make use of the weeks remaining before the January meeting in Istanbul in order to consider the situation in the light of the messages it received in Geneva; adopt irreversible, specific measures to respond to the concerns of the international community; honour its international obligations; and finally accept to consider our requests for dialogue and cooperation in order to begin discussions with the E3+3 partners in a constructive spirit.

Mr. Dolgov (Russian Federation) (*spoke in Russian*): We, too, are grateful to the Chair of the Committee established pursuant to resolution 1737 (2006), Ambassador Nishida, for his briefing on the work of the Committee over the past three months. We deeply appreciate his efforts in chairing the Committee, which has done a great deal of work in that time in various areas of its mandate. The Committee has strictly discharged its mandate, and it is important that it continue to do so in the future.

We welcome the establishment of the Panel of Experts, which will provide the Committee with professional support. We expect the Panel to do practical work in implementing, under the guidance of the Committee, the tasks assigned to it. All members of the international community must strictly abide by Security Council resolutions and the sanctions regime with respect to Iran and not to go beyond those boundaries.

With respect to the current situation of the Iranian nuclear programme, our position remains unchanged. We have consistently called for a solution to the problem through dialogue and interaction with the Iranian side. The foundation of our approach is the continuation of the talks towards a diplomatic solution

and to work with Tehran while ensuring the full cooperation of Iran with the International Atomic Energy Agency (IAEA).

We welcome the Geneva talks on the Iranian nuclear programme held on 6 and 7 December with the European Union High Representative for Foreign Policy, Baroness Ashton, with the Secretary of the Supreme National Security Council of Iran, Mr. Jalili, and with the political directors of the E3+3. The discussions resumed after a long break, and the parties took a close look at issues of mutual interest, including the situation of the Iranian nuclear programme as well as matters of global security and the strengthening of the non-proliferation regime.

Some steps were identified to enable the continuation of the dialogue with the aim of furthering cooperation and seeking common approaches. It is important that an agreement was reached in Geneva on future meetings, such as that planned for January in Istanbul. We hope that these talks will enjoy further momentum and that all interested parties will continue to interact in the interest of finding an exclusively peaceful and political settlement of the situation of the Iranian nuclear problem.

The President: I shall now make a statement in my capacity as representative of the United States.

Let me also begin by thanking Ambassador Nishida for his briefing today and for his own and Japan's exemplary leadership of the Committee established pursuant to resolution 1737 (2006) over the past two years. The Committee has accomplished a great deal and he has set a very high standard for his successor to live up to.

Six months ago, almost to the day, this Council adopted resolution 1929 (2010) in response to Iran's continued refusal to comply with its international nuclear obligations. Since then, Iran's non-compliance with its obligations to the Security Council and under the Treaty on the Non-Proliferation of Nuclear Weapons has persisted, as has its lack of full cooperation with the International Atomic Energy Agency (IAEA) and, as we have just heard, have its numerous violations of Security Council resolutions. Allow me to make three brief points on the current situation and appropriate next steps.

First, unfortunately, when it comes to the actions of Iran, not much has changed since we last met. Iran continues to violate its obligations to the IAEA and the Security Council. The latest report on Iran of the IAEA Director-General, released just a few weeks ago, again underscores Iran's continued refusal to comply with its international nuclear obligations and to cooperate fully with the IAEA.

Most notably, the report underscores Iran's ongoing uranium enrichment at 3.5 per cent and near-20 per cent levels. The report also details Iran's continued construction of a heavy water research reactor, its refusal to permit the IAEA the access it needs to answer long-standing questions about the Qom enrichment facility, and its non-response to the questions around a possible military dimension to Iran's nuclear programme. In sum, the latest IAEA report records Iran's continued defiance of its international obligations and shows that Iran has yet to take the meaningful steps required by this Council and called for by the IAEA Board of Governors.

Secondly, we must continue to maintain the pressure on Iran to change course. All Member States have an obligation to fully implement Security Council resolutions. We urge those that have not yet done so to report to the Committee on their national implementation efforts as soon as possible. These Security Council resolutions affirm obligations on Iran with a clear objective: to resolve the international community's concerns about Iran's nuclear activities. The 1737 Committee and the recently-constituted Panel of Experts will help to maintain the pressure on Iran by monitoring and improving the implementation and enforcement of the Iran sanctions regime.

In particular, we urge the Committee, with the Panel's support, to investigate thoroughly all reported sanctions violations. We commend Nigeria for having seized Iranian arms exported in violation of United Nations sanctions. We also commend Italy for seizing items that Syria was attempting to procure illicitly from Iran. Investigations into these incidents can help us to better understand and to halt Iran's arms smuggling and proliferation networks in violation of Council resolutions.

We are pleased that the Panel of Experts is now operational. The Panel is an exceptionally well-qualified team, and we expect that it will significantly improve our ability to monitor and tighten enforcement.

Finally, let me reiterate my Government's commitment to a dual-track strategy of both pressure

and engagement to convince Iran's leadership to change course. Earlier this week, we held frank discussions and dialogue with Iran and our E3+3 partners. We aim to continue a careful and phased process of building confidence between Iran and the international community.

As we have said before, we recognize Iran's rights, but we insist that Iran fulfil the obligations that accompany those rights. Iran's choice remains clear. If it builds international confidence and respects its obligations, we will reciprocate, but if Iran refuses, its isolation will only grow. We will base our actions on Iran's degree of cooperation. We look forward to continued talks in late January to discuss practical ideas for a way forward to resolve our core concerns. We remain committed to working closely with our partners in this Council and the international community to prevent Iran from developing nuclear weapons.

I now resume my functions as President of the Council.

There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 11.25 a.m.